

OFFICIAL COPY

Fresno, California

October 17, 2000

The City Council met in regular session at the hour of 9:09 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Rev. Roger Minasian gave the invocation, and the Pledge of Allegiance was recited.

INTRODUCTION OF RUSSIAN DELEGATION - MAYOR PATTERSON

Welcome and introductions were made by Mayor Patterson and Dr. Alfred Evans.

PROCLAMATION OF "TEHRAN SHRINE DAY"

PROCLAMATION OF "DIANE DECKER DAY", CENTRAL UNIFIED TEACHER OF THE YEAR - PRESIDENT BOYAJIAN

PROCLAMATION OF "AMERICAN BUSINESS WOMENS' ASSOCIATION DAY" - COUNCILMEMBER MATHYS

The above proclamations were read and presented.

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APPROVE MINUTES OF OCTOBER 3, 2000

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of October 3, 2000, approved as submitted.

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## **APPROVE AGENDA**

**(2:30 P.M. "B")** APPROVE THE 1999-2000 GRAND JURY RECOMMENDATION REGARDING THE MULTIPURPOSE STADIUM, AND RECOMMEND THE FRESNO DIAMOND GROUP PROVIDE A FINANCIAL ACCOUNTING OF ITS FIRST TWO SEASONS OF OPERATION BEFORE THE MULTIPURPOSE STADIUM PLANS ARE COMPLETED - COUNCILMEMBER MATHYS

**(2:30 P.M. "C")** REQUEST ACTING PRESIDENT BREDEFELD, ON BEHALF OF THE STADIUM NEGOTIATING TEAM, TO REPORT TO COUNCIL ON THEIR INTENTION TO CHANGE THEIR POSITION OF NOT REQUIRING A GENERAL FUND SUBSIDY AND ON THE MAXIMUM COST OF THE SUBSIDY OVER THE TERM OF THE LEASE AGREEMENT - COUNCILMEMBER MATHYS

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Items 2:30 p.m. "B" and "C" removed from the agenda, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

Just before the agenda was approved, Councilmember Mathys expressed disappointment that his items were removed and upon his request to publicly identify the items, President Boyajian read the titles as listed above for the record.

**(1A-1)** AWARD A CONTRACT FOR THE PURCHASE OF PVC LINED REINFORCED CONCRETE PIPE, TO BE INSTALLED IN CONJUNCTION WITH THE PLANNED NORTH AVENUE ROAD PROJECT

Removed from the agenda at the direction of staff.

**(10:45 A.M.)** CONTINUED HEARING ON PRIME CONTRACTOR'S REQUEST, PURSUANT TO PUBLIC CONTRACT CODE SECTION 4107, TO SUBSTITUTE THE SUBCONTRACTOR BASED ON CLAIM OF FAILURE TO PERFORM, FOR THE PILIBOS SOCCER PARK PROJECT

Continued to October 24, 2000, at 3:00 p.m.

**(10:30 A.M.)** TEFRA HEARING RELATING TO SAINT AGNES MEDICAL CENTER REVENUE BONDS  
1. RESOLUTION - AUTHORIZING THE ISSUANCE OF UP TO \$155 MILLION OF VARIABLE RATE REVENUE BONDS (TRINITY HEALTH CREDIT GROUP, SERIES 2000 C, TO FINANCE IMPROVEMENTS AT SAINT AGNES MEDICAL CENTER AND RELATED MATTERS

**(CONTINUE TO OCTOBER 24, 2000, AT 10:15 A.M.)**

Continued to October 24, 2000, at 10:15 a.m.

**(10:35A.M.#1)** CONTINUED HEARING ON REZONE APPLICATION NO. R-00-011 AND ENVIRONMENTAL FINDINGS, FILED BY RICHARD C. GINDER, JR./W.G. ENTERPRISES - 6875 N. MILBURN AVENUE  
**(REQUEST TO CONTINUE PENDING ALUC REVIEW)**

1. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M-1/EA/BA-15/UGM/cz AND C-2/EA/cz-15/UGM/cz TO M-1/EA/BA-15/UGM/cz AND C-2/EA/BA-15/UGM/cz WITH MODIFIED BOUNDARY

Continued as requested.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

(1A-2) AWARD A CONTRACT FOR THE BASE BID PLUS ADD-ALTERNATE I (TRENCH RESURFACING AND TREE WELL INSTALLATION) TO PATCH MASTER IN THE AMOUNT OF \$41,293.04 TO CONSTRUCT A CONCRETE MEDIAN ISLAND IN CLINTON AVENUE BETWEEN CRYSTAL AND WEBER AVENUES

(1A-3) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CALAVERAS MATERIALS IN THE ESTIMATED AMOUNT OF \$1,616,830.25 TO FURNISH ASPHALT CONCRETE

(1A-4) AWARD A CONTRACT TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$30,376.80 FOR CONSTRUCTION OF A BIKE PATH BETWEEN N. FIRST STREET AND N. BOND AVENUE

(1A-5) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO U.S. FILTER CORP. IN THE ESTIMATED AMOUNT OF \$20,809 FOR DUCTILE IRON PIPE

(1A-6) APPROVE RETENTION OF LIEBERT & CASSIDY LAW FIRM TO CONDUCT ANTI-DISCRIMINATION AND ANTI-HARASSMENT TRAINING SESSIONS FOR CITY EMPLOYEES AT A TOTAL COST OF \$12,500

(1A-7) APPROVE AGREEMENT WITH THE AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027 FOR THE EXTENSION OF THE CURRENT MEMORANDUM OF UNDERSTANDING (MOU)

1. \* **RESOLUTION NO. 2000-294** - 4<sup>TH</sup> AMENDMENT TO SALARY RES. 2000-186 AMENDING EXHIBITS 1, 2, 3 AND 6

2. **RESOLUTION NO. 2000-295** - ESTABLISHING COMPARISONS FOR THE PURPOSE OF ESTABLISHING RETIREMENT BENEFITS FOR DELETED CLASSES

(1A-8) AUTHORIZE THE CHIEF OF POLICE OR DESIGNEE TO EXECUTE AN AGREEMENT WITH MACERICH FRESNO LIMITED PARTNERSHIP TO LEASE THE POLICE SUBSTATION LOCATED AT FASHION FAIR MALL AT NO COST TO THE CITY

**(1A-9) RESOLUTION NO. 2000-296** - APPROVING THE FINAL MAP OF TRACT NO. 4944, PHASE II OF TENTATIVE TRACT NO. 4384, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. BARSTOW BETWEEN N. HAYES AND N. BRYAN AVENUE ALIGNMENTS

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS FOR TEMPORARY OFF-SITE DRAINAGE FACILITIES; AND

2. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN

**(1A-10) RESOLUTION NO. 2000-297** - DEDICATING CERTAIN CITY-OWNED PROPERTY LOCATED ON MARKS NORTH OF SHAW AVENUE AS AN EASEMENT FOR PUBLIC STREET PURPOSES

**(1A-11) \* RESOLUTION NO. 2000-298** - ORDERING THE SUMMARY VACATION OF A PORTION OF SANTA FE AVENUE BETWEEN MARKS AND SHAW AVENUES

**(1A-12)** APPROVE AGREEMENT WITH THE CLOVIS UNIFIED SCHOOL DISTRICT CONFIRMING PAYMENT OF DEVELOPMENT FEES RELATED TO CONSTRUCTION OF CHESTNUT/BEHYMER ELEMENTARY SCHOOL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5A)** REQUEST CITY MANAGER TO DIRECT STAFF TO RETURN WITH NECESSARY DOCUMENTS TO DESIGNATE ENTERPRISE ZONE ACREAGE TO INCLUDE APN 458-071-010 LOCATED AT NEILSEN AND WEST AVENUES IN THE CURRENT ENTERPRISE ZONE (SECOND REQUEST) - COUNCILMEMBER RONQUILLO

Upon question of Councilmember Ronquillo, Interim City Manager Souza stated he would meet with Councilmember Ronquillo on the status of the issue. Councilmember Ronquillo made a motion to direct staff to return with the necessary documents to designate the subject property (five acres) into the current enterprise zone, which was seconded and later acted upon. Councilmember Steitz stated it was his understanding there was no longer acreage available as it had already been committed to and requested that issue be made part of the report when the matter comes back, with Councilmember Ronquillo stating Council, not staff, made the final decision on designation requests.

Discussion ensued on which departments were involved in preparing the report, the current policy, and if Councilmember Ronquillo's request had been analyzed yet, with Development Director Yovino, Enterprise Zone Manager Royer, and Mr. Souza responding to questions with Ms. Royer also advising staff was in the process now of applying for a 5-year extension of the Enterprise Zone which included an EIR, and requested staff be allowed to report back on the request after completion of the EIR and application process. Councilmember Ronquillo expressed his concern with the length of time it was taking staff to report back, stated the last time a designation request was made an EIR was not required, and stated the real issue was staff was attempting to commit acreage to The Gap and requested a full report for Council's information and action. Brief discussion ensued.

On motion of Councilmember Ronquillo, seconded by President Boyajian, duly carried, RESOLVED, staff directed to return with a report and the necessary documents to designate enterprise zone acreage to include APN 458-071-010, located at Neilsen and West Avenues, in the current Enterprise Zone, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(9:45 A.M.) APPEARANCE BY JAMES LISSNER REQUESTING COUNCIL CONSIDER LOWERING THE FEE FOR DUPLICATION OF CITY DOCUMENTS**

Not present when called.

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**(5B) PROPOSED APPOINTMENT OF MARY KIGHT TO THE COMMISSION ON THE STATUS OF WOMEN - COUNCILMEMBER PEREA (FOR INTRODUCTION)**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the appointment of Mary Kight to the Commission on the Status of Women introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5C) \* RESOLUTION NO. 2000-299 - 51<sup>ST</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$24,000 FROM DISTRICT 4'S AND \$1,000 FROM DISTRICT 2'S GENERAL INFRASTRUCTURE BUDGETS TO FUND THE FRESNO RAIL CONSOLIDATION STUDY - COUNCILMEMBERS STEITZ AND MATHYS**

Briefly reviewed by Councilmember Steitz who stated as a member of the Fresno County and COG Rail Committees he felt this was an appropriate issue to fund and made a motion to adopt the resolution. Councilmembers Mathys, Ronquillo and President Boyajian commented on the issue and expressed their support, with Councilmember Ronquillo adding the important issue of the \$200 million needed to consolidate the railroads should not be downplayed and explained.

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-299 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5D) \* RESOLUTION NO. 2000-300 - 52nd AMENDMENT TO AAR 2000-183 APPROPRIATING \$2,500 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND TOYS FOR TOTS OCTOBERFEST CAR AND BIKE SHOW (\$1,000); BUTLER AVENUE MENNONITE BRETHERN CHURCH'S HALLOWEENFEST (\$1,000), AND THE PRISON FELLOWSHIP MINISTRIES (\$500) - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-300 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5E) APPROVE THE REQUEST FOR PROPOSALS (RFP) TO OBTAIN A FINANCIAL CONSULTANT/AUDITOR - PRESIDENT BOYAJIAN**

**(2 - 0)** A brief overview was given by Council Executive Assistant Ramsay-Stamps. Councilmember Ronquillo commented on the need to move forward with the RFP, and Councilmember Steitz and Interim City Manager Souza spoke in opposition stating staff could provide the information being requested and hiring a consultant would be a waste of staff time and resources.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Request for Proposals to obtain a Financial Consultant/Auditor hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

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**(5F) \* RESOLUTION NO. 2000-301 - 53<sup>RD</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$100 FROM DISTRICT 1'S GENERAL FUND INFRASTRUCTURE FOR FRESNO HIGH SCHOOL'S ROTC PROGRAM - COUNCILMEMBER BOYAJIAN**

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-301 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
 Noes : None  
 Absent : None

Councilmembers Steitz, Mathys and Bredefeld briefly left the meeting at 9:59 a.m.

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**(5G) RESOLUTION NO. 2000-302 - SUPPORTING MEASURE A, THE “ARTS TO ZOO” INITIATIVE APPEARING ON THE NOVEMBER 7<sup>TH</sup> BALLOT - COUNCILMEMBER RONQUILLO**

Briefly reviewed by Councilmember Ronquillo.

On motion of Councilmember Ronquillo, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2000-302 hereby adopted, by the following vote:

Ayes : Perea, Quintero, Ronquillo, Boyajian  
 Noes : None  
 Absent : Bredefeld, Mathys, Steitz

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**(5H) \* RESOLUTION NO. 2000-303 - 5<sup>TH</sup> AMENDMENT TO SALARY RES. 2000-186 CHANGING THE TITLE “EXECUTIVE ASSISTANT TO THE COUNCIL” TO THE “EXECUTIVE ANALYST TO THE COUNCIL” - PRESIDENT BOYAJIAN**

Briefly reviewed by Council Executive Assistant Ramsay-Stamps who added no fiscal impact was associated with the change.

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-303 hereby adopted, by the following vote:

Ayes : Perea, Quintero, Ronquillo, Boyajian  
 Noes : None  
 Absent : Bredefeld, Mathys, Steitz

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**(5I) CONSIDER AMENDMENT TO THE FRESNO CITY EMPLOYEES HEALTH AND WELFARE TRUST AGREEMENT EXTENDING ARBITRATION LANGUAGE PROVISIONS - COUNCILMEMBER PEREA**

Councilmember Mathys returned to the meeting at 10:01 a.m. Councilmember Perea gave a brief overview of the proposed amendments.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the amendment to the Fresno City Employees Health and Welfare Trust agreement extending arbitration language provisions hereby approved, by the following vote:

Ayes : Mathys, Perea, Quintero, Ronquillo, Boyajian  
 Noes : None  
 Absent : Bredefeld, Steitz

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**(3A) PROPOSED REAPPOINTMENTS OF KENDALL GROOM AND ROBERT BOOHER TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - MAYOR PATTERSON (FOR INTRODUCTION)**

On motion of Councilmember Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the reappointments of Kendall Groom and Robert Booher to the Fresno Metropolitan Flood Control District introduced before the Council and laid over, by the following vote:

Ayes : Mathys, Perea, Quintero, Ronquillo, Boyajian  
 Noes : None  
 Absent : Bredefeld, Steitz

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**RECESS - 10:03 A.M. - 10:50 A.M.** All members were present.

**(10:35 A.M. #2) TEFRA HEARING RELATING TO THE STONE PINE AND HERON PLACE MULTIFAMILY PROJECTS**

**1. RESOLUTION NO. 2000-304 - AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO TWO (2) SEPARATE ISSUES OF CITY OF FRESNO MULTIFAMILY HOUSING REVENUE REFUNDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF UP TO TWO (2) SEPARATE TRUST INDENTURES, TWO (2) SEPARATE FINANCING AGREEMENTS, AN OFFICIAL STATEMENT AND A BOND PURCHASE AGREEMENT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF, AND APPROVING OTHER RELATED DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Interim Controller Carlton briefly reviewed the staff report as submitted and a motion was made to approve staff's recommendation.

Speaking to the issue were: Tom Zeigner, Project Representative, who spoke in support and advised of the investments/improvements made to date on the complexes; and Barbara Hunt, 944 "F" Street.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Mr. Carlton and Mr. Zeigner responded to questions of Councilmember Mathys and President Boyajian relative to City subsidies if any, default remedies, benefits to the community, low-income provisions, and if any existing tenants would have to be relocated due to new financial income requirements.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-304 hereby adopted, by the following vote:



Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
 Noes : None  
 Absent : None

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**RECESS - 11:02 A.M. - 2:08 P.M.** Councilmember Ronquillo was absent and returned later in the meeting.

**CERTIFICATE OF APPRECIATION TO COUNCIL EXECUTIVE ASSISTANT VEDA RAMSAY-STAMPS ON HER LEAVING CITY EMPLOYMENT (*NOT ON THE AGENDA*)**

The certificate was presented by President Boyajian who along with Council commended Ms. Ramsay-Stamps for all her work and assistance.

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**(2:00 P.M.) UPDATE REPORT ON THE REQUEST FOR PROPOSAL (RFP) PROCESS FOR THE TELECOMMUNICATIONS CONTRACT**

- 1. ENTER INTO A FIVE-YEAR AGREEMENT OR AMEND THE CURRENT CAL NET AGREEMENT FOR VOICE SERVICE WITH PACIFIC BELL - COUNCILMEMBER PEREA**
- 2. ISSUE A REQUEST FOR PROPOSALS (RFP) FOR DATA NETWORK AND LONG DISTANCE SERVICE AT THE END OF THE CURRENT ONE-YEAR AGREEMENT WITH MCI - COUNCILMEMBER PEREA AND PRESIDENT BOYAJIAN**

Councilmember Perea gave an overview of the issue, stated his concern was the process utilized and the way information was presented to Council, noted there was a big difference in cost figures given to Council since the beginning, expressed concern with the consultant not being present to defend his information, and made a motion based on the information he received and the disparity of the numbers to enter into a five-year agreement, or amend the current Cal Net agreement, for voice service with Pacific Bell, which was seconded by Councilmember Quintero. City Attorney Montoy stated she did not have information on the Cal Net agreement whereupon Councilmember Perea changed his motion to direct staff to prepare an agreement with Pacific Bell and report back with it in two weeks. Interim City Manager Souza stated the issue had been a long, arduous process; referencing Councilmember Perea's comments stated it was not fair to say staff attempted to implement a piecemeal or almost coercive approach; and stated staff would move forward with the process as directed.

Speaking to the issue were: Dan Noel, Pacific Bell, Sacramento; Eric Johnson, Pacific Bell; Brad Walter, Pacific Bell Senior Counsel, San Ramon; Jeff Mabree and Bill Wear, MCI/Worldcom, 7108 N. Fresno Street; Barbara Hunt, 944 "F" Street **(3 - 0)**; Nadine Cox, President, Communications Workers Local 9408, 130 W. Shields; Julie Tone, Pacific Bell Regional Sales Manager for Government Agencies, 1180 E. Shaw, Ste. 214; and an unidentified 31-year employee of Pacific Bell.

Mr. Souza, Mr. Johnson and Mr. Walter responded to questions of Councilmember Mathys and Acting President Bredefeld and/or clarified issues relative to how the numbers discrepancy came about, if the numbers were firm this date, purpose and benefit of the Cal Net Agreement, if Council could even trust the current numbers, and if the consultant would be present on the 31<sup>st</sup>, with Councilmembers Mathys, Acting President Bredefeld and President Boyajian commenting on the issue and speaking in support of Pacific Bell and the motion.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, staff directed to prepare a five-year agreement, or amend the current Cal Net agreement, for voice service with Pacific Bell, and report back with an agreement on October 31, 2000, with by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

**2. ISSUE A REQUEST FOR PROPOSALS (RFP) FOR DATA NETWORK AND LONG DISTANCE SERVICE AT THE END OF THE CURRENT ONE-YEAR AGREEMENT WITH MCI - COUNCILMEMBER PEREA AND PRESIDENT BOYAJIAN**

Upon question of Councilmember Perea, Purchasing Manager Taggart, Mr. Souza and Ms. Montoy stated (1) Item #2 above would be held over until October 31<sup>st</sup> and rescheduled if necessary, (2) the current agreement with MCI would terminate on 6/30/01, and staff could not extend it, and (3) staff would report back on the request for more Council input into the purchasing process and/or awarding of contracts. Councilmember Perea requested a report on the cost paid for the consultant and how the City could get their money back.

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**RECESS - 2:52 P.M. - 2:59 P.M.** Councilmember Ronquillo returned to the meeting.

**(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The Council met in joint session with the Redevelopment Agency at the hour of 2:59 p.m.

**APPROVE AGENCY MINUTES OF SEPTEMBER 26, 2000**

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the Agency minutes of September 26<sup>th</sup> approved as submitted.

**(“A”) CONSIDER MATTERS, DOCUMENTS, RESOLUTIONS AND FINDINGS CONCERNING THE PROPOSED PUBLICLY-OWNED MULTIPURPOSE STADIUM (AAA BASEBALL STADIUM) AT A SITE GENERALLY BOUND BY TULARE, BROADWAY/”H” AND INYO STREETS AND THE FULTON MALL OR BROADWAY/FULTON ALLEY WITHIN THE CENTRAL BUSINESS DISTRICT**

- 1. \* AGREEMENT BETWEEN THE CITY OF FRESNO, FRESNO GRIZZLIES, INC., AND THE FRESNO DIAMOND GROUP, LLC, RELATING TO THE CONSTRUCTION AND SUBLEASE OF A MULTIPURPOSE STADIUM [30 YEAR LEASE AGREEMENT] (COUNCIL ACTION)**
- 2. \* NON-RELOCATION AND CONTINUING OPERATION AGREEMENT BETWEEN THE FRESNO DIAMOND GROUP, LLC, FRESNO GRIZZLIES, INC., TUCSON TOROS, INC., AND THE CITY (COUNCIL ACTION)**
- 3. \* PLEDGE AGREEMENT BETWEEN THE FRESNO DIAMOND GROUP, LLC, FRESNO GRIZZLIES, INC., TUCSON TOROS, INC., AND THE CITY (COUNCIL ACTION)**
- 4. \* PARKING AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY, CITY OF FRESNO AND THE FRESNO DIAMOND GROUP (COUNCIL AND AGENCY ACTION)**

**5. \* JOINT RESOLUTION NO. 2000-305/1571** - APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT (D&DA) BETWEEN THE CITY AND REDEVELOPMENT AGENCY, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, FOR THE PROPOSED STADIUM PROJECT IN THE MERGER NO. 1 PROJECT AREA (COUNCIL AND AGENCY ACTION)

**a.** CONSIDER ALTERNATIVE DISPOSITION AND DEVELOPMENT AGREEMENTS (COUNCIL AND AGENCY ACTION)

**6. \* RESOLUTION NO. 2000-306** - APPROVING A FINANCING PLAN FOR THE CONSTRUCTION OF A MULTIPURPOSE STADIUM; AUTHORIZING THE APPOINTMENT OF AN UNDERWRITER, FINANCIAL ADVISOR, TRUSTEE, AND BOND COUNSEL IN CONNECTION WITH THE FINANCING; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS TO PROCEED WITH THE FINANCING (COUNCIL ACTION)

**7.** PROVIDING THE COUNCIL PRESIDENT, CITY MANAGER, AGENCY EXECUTIVE DIRECTOR AND THE CITY ATTORNEY, OR THEIR DESIGNEES, WITH THE AUTHORITY TO TAKE ALL NECESSARY ACTIONS, INCLUDING BUT NOT LIMITED TO, EXECUTION OF DOCUMENTS TO IMPLEMENT THE STADIUM PROJECT CONSISTENT WITH THE APPROVED RESOLUTIONS AND DOCUMENTS (COUNCIL AND AGENCY ACTION)

Agency Director Fitzpatrick reviewed the background of the issue; advised various departments and staff worked together to present the package as submitted; noted specific details were all outlined in the staff reports as submitted; reviewed the issues of increased stadium construction costs, the “fast-track” schedule, security arrangements, and increased cost on the debt service and suggested sources to pay that debt; recommended the joint bodies approve Item Nos. 1, 2, 3, 4, 5 with amended Section 10E as submitted, No. 6 and No. 7 as outlined above; and thanked everyone involved for all their hard work over the past seven months.

Chair Ronquillo advised Agency Items “B” and “C” listed on the agenda had been removed from agenda during the morning session.

Acting President Bredefeld made a motion to approve Nos. 1 - 7 as recommended by Mr. Fitzpatrick, which was seconded by President Boyajian and acted upon after extensive discussion.

City Attorney Montoy thanked everyone involved; commended and identified the consultants from Hunt Construction and HOK and the City team; stated her report as submitted was very detailed and the documents were consistent with the May 16<sup>th</sup> deal points except for the price, completion date and bond size as explained by Mr. Fitzpatrick; and requested two additions to the motion: (1) to condition the motion upon receiving written authorization to enter into the agreements from the PLC and Baseball Association within a 45 day period, and (2) authorize the City Attorney to work with Fresno Diamond Group Attorney Carl Motschieder to make any necessary technical corrections, which additions were accepted by the motion-maker.

Speaking to the issue were: Richard Morgan, School Board candidate, P.O. Box 11264, opposed; Greg Tallman, Bullard Band Backers, 1226 W. San Jose, support; Norm Pimentel, School Board candidate, 603 E. Normal, concerns with the financing (**4 - 0**); Jerry Cook, Fresno Business Council, support; Barbara Hunt, 944 “F” Street; Larry Willey, Chamber of Commerce, support; Tom Weil, President, Bullard Band Backers, 1283 W. Keats, support; Attorney Hanno Powell, 723 W. Shaw, HCDC Member, concerns with the debt service; and John Carbray, President, Fresno Diamond Group and Fresno Grizzlies, who urged Council’s approval.

Chair Ronquillo thanked everyone involved, spoke in support of the issue emphasizing this was about investing in downtown, and clarified this was not just about baseball as the stadium would be a multipurpose stadium.

Mr. Fitzpatrick, Ms. Montoy, mayoral candidate Whitehurst, and Consultant Hart responded to questions of Councilmember Perea at length relative to the agreements and sufficiency of language from a legal perspective, how quickly the issue of needed downtown parking structures would be addressed, if both mayoral candidates had been briefed on the agreements, analysis on the sky boxes, potential cost overruns and how they would be dealt with, confidence with the project and budget, and utilizing local labor for the project and provisions therefor.

Mr. Hart, Ms. Montoy and Mr. Fitzpatrick clarified issues and/or responded to questions and/or concerns of Interim City Manager Souza and Councilmembers Quintero and Bredefeld relative to future councils dealing with the debt service and funding sources, concern with using general fund dollars now or in the future, timeline risks, options in dealing with corrections/changes, lease terms provisions, flexibility relative to the \$28.5 million construction cost and the \$5-\$6 million City obligation, what the Fresno Diamond Group was contributing to the community (**5 - 0**), the non-relocation agreement, if any other AAA team paid \$1.5 million in rent, projected revenues, real possibility of there being no shortfall, and future mayors/councils determining funding sources, with Councilmembers Quintero, Bredefeld and President Boyajian thanking all involved, speaking in support of moving forward with the stadium, and requesting the cooperation and assistance of the City's administration.

Ms. Montoy, the consultant, Assistant City Attorney Hale and Mr. Carbray responded to questions and concerns of Councilmember Steitz relative to liabilities, safeguards in the competitive bid process, responsibility for change orders, completion of the schematic design and how adjustments would affect it, tenants rent credit and dealing with defaults, assignment of City's rights, sale of team shares, liens, the relocation agreement and ability of the team to leave at any time, parking projections, parking agreement and why the City could not set parking fees, and field size comparisons of Beiden Field and the proposed stadium.

Ms. Montoy, Interim Controller Carlton and Mr. Fitzpatrick responded to questions and/or concerns of Councilmembers Perea and Mathys relative to the potential for increased costs if the June 1, 2002, date is not met and if the City could be penalized, if the City was locked into the June 1<sup>st</sup> date, flexibility with paying additional costs if necessary, ability to extend the date, if financial records and tax returns of the Fresno Diamond Group were available or had been made public (**6 - 0**), the May 16<sup>th</sup> deal points specifying no general fund subsidy, if the stadium could be built without a general fund subsidy, purchasing materials with general fund resources, and who or what City services would be affected if the general fund is used.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, a 30-year lease agreement between the City, the Fresno Grizzlies, Inc., and the Fresno Diamond Group, LLC, for a multi-purpose stadium hereby approved; the Non-relocation and Continuing Operation Agreement hereby approved; the Pledge Agreement hereby approved; the Parking Agreement hereby approved; the above entitled Joint Resolution No. 2000-305/1571 approving the Disposition and Development Agreement, *with amended Section 10(e)* hereby adopted; the above entitled Resolution No 2000-306 approving the financing plan hereby adopted; the Council President, City Manager, Agency Director and City Attorney, or their designees, authorized to implement the actions and execute the documents; and the City Attorney authorized to work with the FDG Attorney to make any necessary technical corrections, *all conditioned upon* receiving written authorization to enter into the agreements from the PLC and Baseball Association within a 45 day period, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Boyajian  
Noes : Mathys, Steitz  
Absent : None

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**(2:15 P.M.) CLOSED SESSION:**

(A) COUNCILMEMBER QUINTERO: CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA - EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE NON-MANAGEMENT (IAFF); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)

Laid over one week.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:07 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 24<sup>th</sup> day of October, 2000.

ATTEST:

\_\_\_\_\_  
Tom Boyajian, Council President

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Yolanda Salazar, Assistant City Clerk

